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Filed : **October 27, 2003**

REMARKS

The September 21, 2005 Office Action was based upon pending Claims 1-44. This Amendment amends 1, 11, 23, and 36. Thus, after entry of this Amendment, Claims 1-44 are pending and presented for further consideration.

Claim Rejections

The Office Action rejected Claims 1-8, 11-18, 23-31 and 36-40 under 35 U.S.C. §102(b) as being anticipated by U.S. Publication Number 2002/0145035 to Jones ("the Jones publication").

Further, the Office Action rejected Claims 9, 10, 19-22, 32-35 and 41-44 under 35 U.S.C. §103(a) as being unpatentable over the Jones publication in view of U.S. Publication No. 2003/0217003 to Weinflash, et al. ("the Weinflash publication").

Rejection of Claims 1-8, 11-18, 23-31 and 36-40 under 35 U.S.C. §102(b)

The Office Action rejected Claims 1-8, 11-18, 23-31 and 36-40 under 35 U.S.C. §102(b) as being anticipated by "the Jones publication."

Independent Claim 1

Applicant has amended Claim 1 to clarify that the display component displays a message to the merchant to facilitate the electronic processing of the check wherein the display queries the merchant whether the check was received in a non-face-to-face manner. Furthermore an input component allows the merchant to provide an input to the apparatus regarding whether the check was received in a non-face-to-face manner.

In addition, a processor is configured to tag the electronic transaction file as an account receivable transaction if the check transaction is a non-face-to-face check transaction.

The Jones publication, in contrast, does not appear to teach the processing of accounts receivable transactions whatsoever. As a result, the system in the Jones publication does not query a merchant whether the check was received in a non-face-to-face manner. Furthermore, the system disclosed in the Jones publication does not have an input component that allows the merchant to provide an input to the apparatus

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regarding whether the check was received in a non-face-to-face manner. Finally, the system disclosed in the Jones publication does not tag an electronic transaction file as an account receivable transaction if the check transaction is a non-face-to-face check transaction.

Thus, Applicant respectfully requests allowance of amended Claim 1.

Dependent Claims 2-8

Claims 2-8 which depend from Claim 1, are believed to be patentable for the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein.

Independent Claim 11

Although Claim 11 has different language than Claim 1, Claim 11 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

Dependent Claims 12-18

Claims 12-18 which depend from Claim 11, are believed to be patentable for the same reasons articulated above with respect to Claim 11, and because of the additional features recited therein.

Independent Claim 23

Although Claim 23 has different language than Claim 1, Claim 23 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

Dependent Claims 24-31

Claims 23-31 which depend from Claim 23, are believed to be patentable for the same reasons articulated above with respect to Claim 23, and because of the additional features recited therein.

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Independent Claim 36

Although Claim 36 has different language than Claim 1, Claim 36 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

Dependent Claims 37-40

Claims 37-40 which depend from Claim 36, are believed to be patentable for the same reasons articulated above with respect to Claim 36, and because of the additional features recited therein.

Rejection of Claims 9, 10, 19-22, 32-35 and 41-44 under 35 U.S.C. §103(a)

Further, the Office Action rejected Claims 9, 10, 19-22, 32-35 and 41-44 under 35 U.S.C. §103(a) as being unpatentable over the Jones publication in view of U.S. Publication No. 2003/0217003 to Weinflash, et al. ("the Weinflash publication").

Like the Jones publication, the Weinflash publication also does not appear to teach the processing of accounts receivable transactions. As a result, the system in the Weinflash publication does not tag an electronic transaction file as an account receivable transaction if the check transaction is a non-face-to-face check transaction.

Dependent Claims 9 and 10

Claims 9 and 10 which depend from Claim 1, are believed to be patentable for the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein.

Dependent Claims 19 - 22

Claims 19 - 22 which depend from Claim 11, are believed to be patentable for the same reasons articulated above with respect to Claim 11, and because of the additional features recited therein.

Dependent Claims 32-35

Claims 32-35 which depend from Claim 23, are believed to be patentable for the same reasons articulated above with respect to Claim 23, and because of the additional features recited therein.

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Dependent Claims 41-44

Claims 41-44 which depend from Claim 36, are believed to be patentable for the same reasons articulated above with respect to Claim 36, and because of the additional features recited therein.

Supplemental Information Disclosure Statement

Submitted concurrently herewith is a Supplemental Information Disclosure Statement citing a new references and/or rejections which recently came to Applicant's attention in an Office Action for related U.S. Patent Application No. 10/695,399. A copy of this Office Action is available through the Patent Office database. If the Examiner so requests, Applicants will provide the Examiner with a copy of this Office Action.

Request For Telephone Interview

Pursuant to M.P.E.P. § 713.01, in order to expedite prosecution of this application, Applicant's undersigned attorney of record hereby formally requests a telephone interview with the Examiner as soon as the Examiner has considered the effect of the arguments presented above. Applicant's attorney can be reached at (949) 721-2998 or at the number listed below.

Conclusion

Although amendments and cancellations have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments and cancellations are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Furthermore, any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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